

Pugh, 438 U.S. at 791)); see also Hindes v. FDIC, 137 F.3d 148, 165 (3d Cir. 1998)

(“The principle which emerges from [Ex parte Young, 209 U.S. 123 (1908),] and its progeny is that a state *official* sued in his official capacity for prospective injunctive relief is a person within section 1983, and the Eleventh Amendment does not bar such a suit.” (emphasis added)), and that plaintiffs agree that the State Police is immune under the Eleventh Amendment (see Doc. 31 at 4), it is hereby ORDERED that:

1. The motion for reconsideration (Doc. 27) is GRANTED.
2. Paragraph 1 of the order of court dated March 20, 2007 (Doc. 25) is AMENDED to read as follows:

The motion to dismiss under Federal Rule of Civil Procedure 12(b)(1) by Defendant Pennsylvania State Police (Doc. 10) is GRANTED. All claims against defendant Pennsylvania State Police are DISMISSED.
3. The above-captioned action will proceed on plaintiffs’ claim under Title I of the Americans with Disabilities Act against defendant Colonel Jeffery B. Miller.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge